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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.13744 of 2019

S.Krishnamurthy

...Petitioner

Vs

1.Principal

Institute of Road and Transport Technology
Vasavi College P.O
Suriyampalayam
Erode - 638 316.

2.Secretary

Tamil Nadu Engineering Admissions (TNEA)
Anna University, Guindy
Chennai - 600 025.

3.Registrar,

Anna University,
Guindy, Chennai - 600 025.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to refund the sum of Rs.40,000/- (Rupees Forty Thousand Only) being the fees paid by the petitioner herein.

For Petitioner : Mr.Prakash for
Mr.Kaushik N.Sharma
For Respondent R1 : Ms.Kala Ramesh
For Respondents R2 &R3 : Mr.Vijayakumar

O R D E R

Heard Mr.Prakash, learned counsel appearing on behalf of Mr.Kaushik N.Sharma learned counsel on record for the petitioner, Ms.Kala Ramesh, learned counsel for R-1 and Mr.Vijaya Kumar, learned counsel for R-2 and R-3.

2. The petitioner seeks a mandamus directing R-1 Institute of Road and Transport Technology to refund a sum of Rs.40,000/- (Rupees Forty Thousand Only) being the fees that has been paid by the petitioner for her daughter's admission to the Agricultural Sciences Course in academic year 2017-2018.



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3. The daughter of the petitioner was admittedly allotted a seat in the Branch of Electronics and Communication Engineering in R-1 Institute of Road and Transport Technology on 25.07.2017 and had paid a sum of Rs.40,000/- (Rupees Forty Thousand Only) as fee.

4. Thereafter, she was admitted in B.Sc. (Hons.) Agriculture at PGP College of Agri Sciences, Namakkal and thus, decided not to opt for the earlier course i.e., Electronics Communication Engineering in R1 Institute. The daughter of the petitioner thus withdrew her candidature from R-1 Institute and sought refund of fees. Despite her father's representation, the fees have not been returned and hence the present writ petition.

5. The respondents would rely upon a Circular issued by R-2 and R-3 dated 07.08.2017 to the effect that the fees would be liable to be refunded only if the seat that had been allotted to the candidate had been subsequently filled in by any other candidate. In the event the seat continues to be vacant, the withdrawal of the candidature of the student seeking refund will not be considered. In such circumstances, the students would not be entitled for the refund sought.

6. This position has been crystallized as per Circular dated 07.08.2017 bearing Letter No.AICTE/SA3/2017 which has been noted with approval by a learned Single Judge of this Court in M.Gurumurthy vs. The Principal, Institute of Road and Transport Technology, Erode and two others in WP No.21036 of 2019 dated 31.01.2022.

7. In light of the aforesaid, the petitioner is not entitled for the refund as sought though admittedly, she is entitled for refund of the Caution Deposit of a sum of Rs.5,000/- (Rupees Five Thousand only), which R-1 shall refund to the petitioner, within a period of two weeks from today.

8. The Writ Petition stands disposed as above. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jeni/Svn



To

1.The Principal

Institute of Road and Transport Technology

Vasavi College P.O

Suriyampalayam

Erode - 638 316.

2.The Secretary

Tamil Nadu Engineering Admissions (TNEA)

Anna University, Guindy

Chennai - 600 025.

3.The Registrar,

Anna University,

+1 CC to Mr.M. Vijayakumar, Advocate sr 13963.

+1 CC to Mr. Kala Ramesh, Advocate sr 14721

W.P.No.13744 of 2019

GMR(CO)

SP(29/03/2022)